

Sweet, D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re NYSE SPECIALISTS SECURITIES
LITIGATION

Master File No. 03-CV-8264
(RWS)

This Document Relates To:

[PROPOSED]
THIRD AMENDED JOINT
SCHEDULING ORDER

ALL ACTIONS

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ORDER

Sweet, D.J.,

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5-13-11</u>

It is hereby ordered that the parties in the above captioned action will
adhere to the following schedule, subject to any modifications as may be agreed between
the parties or approved upon application to this Court:

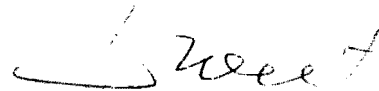
1. **Merits Discovery:** Merits discovery shall conclude on October 28, 2011.
2. **Expert Reports:** Plaintiffs shall serve their expert reports 45 days after the close of merits discovery (December 12, 2011). The Specialist Defendants shall serve their expert reports 45 days later (January 26, 2012). Plaintiffs shall serve any rebuttal reports 30 days following the Specialist Defendants' expert report submissions (February 27, 2012). The Specialist Defendants reserve the right to move for leave of Court to file sur-rebuttal expert reports, and Plaintiffs reserve the right to oppose any such motion. In the event no sur-rebuttal reports are served, all expert discovery, including depositions, shall be completed within 45 days of the Plaintiffs' rebuttal report deadline (April 12, 2012).

3. **Summary Judgment:** All motions for summary judgment shall be filed not later than June 5, 2012. The parties shall jointly file a proposed schedule detailing due dates for opposition and reply briefing on June 5, 2012.
4. **Expert Challenges:** Challenges to a party's experts or their submissions pursuant to Daubert v. Merrell Dow. Pharm., 509 U.S. 579 (1993), may be made at the time of summary judgment opening briefs (June 5, 2012) without prejudice to the parties' right to file additional motions challenging experts prior to trial by a date to be agreed upon by the parties within 30 days of the Court's orders(s) regarding summary judgment.
5. **Depositions:** Plaintiffs and the Specialist Defendants shall each be entitled to 40 depositions, collectively, with no per-defendant or per-plaintiff limitations, but with all parties reserving the right to seek protective orders from the Court.
6. **Trial:** Within 30 days of the Court's order(s) regarding summary judgment, the parties will jointly file a proposed scheduling order regarding pre-trial and trial dates.

It is so ordered.

New York, New York

5 ~ 13 2011



ROBERT W. SWEET
United States District Judge

